

#16

Docket No.: K2580.0072/P072
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Fumihito Shigenaga

Application No.: 09/598,544

Filed: June 21, 2000

Art Unit: 2837

For: HIGH HAT STAND PROMPTLY
RESPONSIVE TO PLAYERS FOOTING

Examiner: S. Hsieh

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FAX RECEIVED
OCT 03 2003
PETITIONS OFFICE

Dear Sir:

Pursuant to 37 CFR 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed after payment of the Issue Fee. Accordingly, this paper is being filed together with a Petition to Withdraw Application From Issue Pursuant to 37 CFR 1.313(c)(2) and a Request for Continued Examination.

Timing of Filing of the Information Disclosure Statement:

- ☒ This IDS is being filed before the First Office Action (i.e., together with the filing of an RCE)

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- ☐ This IDS is being filed after the issuance of the First Office Action but before the issuance of a Final Office Action¹.
- ☐ This IDS is being filed after the issuance of a Final Office Action but before the payment of the Final Fee².

Certifications:

If checked, the undersigned makes the following statement(s):

- ☐ Statement under 37 CFR § 1.97(c):

Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement; or

No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

- ☐ Statement Under 37 C.F.R. § 1.704(d):

Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application

¹ The IDS *must* include *either* a certification under 37 C.F.R. §1.97(c) *or* the fee set forth in 37 C.F.R. §1.17(p).

² The IDS *must* include *both* a certification under 37 C.F.R. §1.97(c) *and* the fee set forth in 37 C.F.R. §1.17(p).

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and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of this information disclosure statement.

Fee Required by 37 C.F.R. § 1.97(c)(2) or 1.97(d)(2):

☐ If checked, the fee of \$180.00 set forth in 37 C.F.R. §1.17(p) is attached.

Copies of Information:

In accordance with 37 C.F.R. §1.98(a), the following are enclosed:

- ☒ A legible copy³ of each document (or relevant portion thereof) is cited in the attached PTO/SB/08.
- ☒ With respect to any information which is not in English, a concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, is attached. This concise explanation is provided by way of:
 - ☒ With regard to cited Japanese Patent No. 2632019(B2), cited U.S. Patent No. 4,905,565 is an English language counterpart thereof. A translation of the relevant portions of cited JP 2544766(Y2) will be filed shortly.
 - ☐ A statement explaining the relevant portions of the non-English language information;
 - ☐ A copy [and, where not in the English language, a translation] of at least the relevant portion(s)⁴ of the communication from a foreign patent

³ A legible copy of the document is not required if (1) the information was previously cited by, or submitted to, the Office and considered by the Office in a prior U.S. application to which this application claims priority, provided that the prior application is properly identified in this IDS, and (2) the IDS submitted in the earlier application complies with 37 C.F.R. § 1.98(a) - (c). This exception does not apply to information cited in an International Application.

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office in a counterpart foreign application in which the information was cited; or

☐ This information is contained in the specification of the present application.

☐ In accordance with 37 C.F.R. 1.98(d), copies of the cited documents are not enclosed as they were provided in application Serial No. _____, filed _____, which the present application relies upon for an earlier effective filing date under 35 U.S.C. 120.

Materiality:

Whether or not the information and references disclosed in this Information Disclosure Statement is "material" pursuant to 37 CFR 1.56, this submission is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

⁴ The relevant portion is that portion which indicates the degree of relevance found by the foreign patent office. This may be an explanation of which portion of the of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report. MPEP §609 III A(3).

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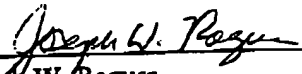
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In the event the actual fee is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 50-2215.

Dated: October 2, 2003

Respectfully submitted,

By


Joseph W. Ragusa

Registration No.: 38,586

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PTO/SB/05a/b (08-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	09/598,544
				Filing Date	June 21, 2000
				First Named Inventor	Fumihito Shigenaga
				Art Unit	2837
				Examiner Name	S. Hsieh
				Attorney Docket Number	K2580.0072/P072
Sheet	1	of	1		

U.S. PATENT DOCUMENTS					
Examiner Initials ¹	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA	US-4,905,565	03-08-1990	Hoshino	

FOREIGN PATENT DOCUMENTS					
Examiner Initials ¹	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
	BA	JP 2832019 (B2)	03-08-1990		
	BB	JP 2544766 (Y2)	09-16-1992		

¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ²Applicant's unique citation designation number (optional). ³See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ⁴Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁵For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁶Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁷Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	

¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

²Applicant's unique citation designation number (optional). ³Applicant is to place a check mark here if English language Translation is attached.

Duplicates

Examiner Signature	Date Considered
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